

Remarks

Claims 11 – 16, 18, 22 – 33, 35 and 50 - 55 are pending in the application. Claims 11, 16, 22, 23, 25, 26, 28, 31, 32, 50, 51 and 52 are amended. Claims 1-10, 17, 19-21, 34, and 36-49 have been cancelled. No new subject matter is added. Applicant requests reconsideration.

Interview Summary

Applicants thank Examiner Young for her courtesy during the interview with Applicants' attorney William F. Prout, on April 9, 2008. The restriction of the R₇, and R₈, groups was discussed. It was agreed that the applicants would restrict the scope of the R₇, and R₈, groups to the heteroatoms recited in claim 50 and make corresponding amendments to the dependent claims. The Examiner agreed to conduct an additional search to include the R₇, and R₈, groups of the claims as presented in the proposed amendment.

The above account is believed to be a complete and accurate summary of the telephonic interview as required by 37 C.F.R. § 1.133. If the Examiner believes that this summary is inaccurate or incomplete, Applicants respectfully request that the Examiner point out any deficiencies in her next communication so that Applicants can amend or supplement the interview summary.

Rejection under 35 U.S.C. § 112

Claims 11 – 16, 18, 22 – 33, 35 and 50 – 55 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. To the extent that this rejection may be maintained with respect to the pending claims, it is respectfully traversed.

The Office Action objected to the language “having the formula” or “has the formula” as indefinite because this language can be considered open-ended language and could be interpreted to include additional subject matter that is not disclosed in the specification and not recited in the claims. The Office Action stated that the objection could be overcome by

amending the claims to recite "of the formula" in place of "having the formula" or "has the formula". Applicants disagree with this conclusion. However, in order to expedite the allowance of the claims applicants have amended the claims as suggested in the Office Action.

Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

Claim Objections

Claims 11 – 16, 18, 22 – 33, 35 and 50 – 55 have been objected to as containing non-elected subject matter. To the extent that this rejection may be maintained with respect to the pending claims, it is respectfully traversed.

Applicants have amended the claims to recite that the R₇, and R₈, groups would include only the heteroatoms from the original claims. The Examiner has agreed to expand the search to include these.

It is respectfully requested that in view of the amendments and remarks herein that the objections to the claims are overcome. Thus, it is respectfully requested that the claims pass to issue.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 455-2564 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0549.

Respectfully submitted on behalf of
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